

### **REMARKS/ARGUMENTS**

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claim 6 has been amended, claims 7 and 8 have been amended, and claim 9 has been amended. Thus, claims 6-9 and 11 are pending for further examination.

Claims 6 and 11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin et al. (U.S. 5,355,302) in view of Frank et al. (U.S. Patent No. 5,341,350), Ludwig (U.S. Patent No. 5,689,641), Servi (U.S. Publication No. 2005/278904A), Brown (U.S. Publication No. 2005/445295), and Hendricks (U.S. Patent No. 6,408,437). Additionally, claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin in view of Frank, Ludwig, Servi, Vogel, and Hendricks, in further view of Bacon et al. (U.S. Patent No. 5,440,632), McGill, III et al. (U.S. Publication No. 2005/469573A), Beaverton (U.S. Patent No. 5,210,854), and Nilsson et al. (U.S. Patent No. 5,410,703), and claim 9 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin in view of Frank, Ludwig, Servi, Vogel, and Hendricks, in further view of Levinson (U.S. Publication No. 2005/404505A). These rejections are respectfully traversed for at least the following reasons.

At the outset, Applicant questions how truly “obvious” the alleged six-way, ten-way, and seven-way combinations are. The Final Office Action’s reliance on six, seven, and ten different references for rejecting only five currently pending claims seems perhaps a bit unusual. Indeed, Applicant suspects that such combinations likely are the result of a piecemeal, hindsight reconstruction of Applicant’s claims, as opposed to some clearly articulated rationale for making each such combination, supported by objectively demonstrable underlying facts.

In any event, claim 6 recites, *inter alia*, “providing a system management function that enables an authorized manager of the jukebox device to locally access and selectively adjust

adjustable operation settings for the jukebox device through use of the touchscreen display, a plurality of the adjustable settings being adjustable over a range predetermined by the authorized manager through the definition of a maximum of high and low levels for each system output source.” Such features are not taught or suggested by the prior art of record. Thus, the prior art of record, alone and in combination, fails to render obvious claim 6 (and its dependents).

Applicant respectfully disagrees with the Final Office Action’s assertion that Brown discloses a management function identical to that which is currently claimed. Brown teaches an owner options interface (16) comprising a sound volume selector permitting the owner to control the volume emanating through the loudspeaker and to set the sound volume through headphone jacks at a predetermined level when the owner enables the headphone jacks.

However, the system management function, as originally disclosed, is markedly different from Brown’s sound volume selector. For instance, the system management function allows for the control of all of the settings, e.g., taking control of additional low level commands allowing for example definition of commands to be validated or invalidated, defining a maximum of high and low levels for each system output source, with these limits defining the range available (e.g., volume limits between which the volume can be tuned when using the jukebox). Brown’s sound volume selector or jacks selector permits a fixed sound volume to be defined, but does not permit the definition of a maximum of high and low levels for each system output source, these limits defining the available range. Additionally, it is noted that the system management function of claim 6 advantageously could completely replace Brown’s sound volume selector or jacks selector.

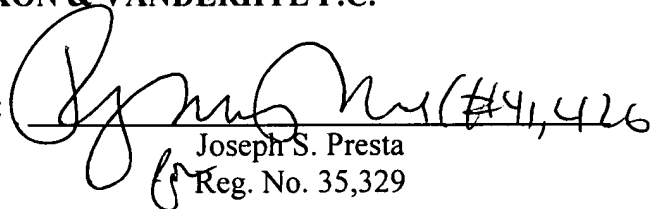
Thus, Applicant respectfully submits that claim 6 clearly and patentably distinguishes over the cited prior art. Claims 7-9 and 11 should be allowable at least by virtue of their dependence from claim 6.

In view of the foregoing amendments and remarks, Applicant respectfully submits that all the claims are patentable and that the entire application is in condition for allowance. Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:

  
Joseph S. Presta  
Reg. No. 35,329

JSP/JR:lmj  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100